



General Assembly

January Session, 2009

Amendment

LCO No. 6907

SB0060906907SR0

Offered by:

SEN. MCKINNEY, 28th Dist.

SEN. FASANO, 34th Dist.

SEN. RORABACK, 30th Dist.

To: Senate Bill No. 609

File No. 644

Cal. No. 436

"AN ACT CONCERNING THE AUDITING OF STATE AGENCIES."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 (a) There is established a Bipartisan Senate Committee on Standards
4 of Official Conduct that shall consist of six members, appointed as
5 follows: Three majority caucus senators by the president pro tempore
6 of the Senate, and three minority caucus senators by the president pro
7 tempore upon the recommendation of the Senate minority leader. The
8 president pro tempore shall appoint two cochairpersons of the
9 committee, one of whom shall be appointed upon the recommendation
10 of the Senate minority leader. Such appointments shall be made not
11 later than ten days after the effective date of this section.

12 (b) Said committee shall have cognizance of any official Senate
13 action in response to any misconduct by any member of the Senate.
14 "Misconduct" shall include any violation of state or federal election

15 laws, any violation of the state code of ethics, any misuse of state
16 property including the submission of a false claim for compensation or
17 reimbursement, any legal or ethical wrong or other conduct that
18 materially impairs the ability of the member to perform the duties of
19 his or her office, or any conduct that impugns the integrity of the
20 Senate or undermines public trust and confidence in the Senate.
21 Nothing in this rule shall be construed to affect the powers and duties
22 of the Office of State Ethics or the Citizen's Ethics Advisory Board.

23 (c) A quorum, consisting of not less than two members of each
24 caucus, shall be required to conduct any official business of the
25 committee. All committee decisions shall require four affirmative
26 votes.

27 (d) Upon the complaint of any person, signed under penalty of false
28 statement, or upon its own complaint, the committee shall conduct a
29 preliminary investigation into claims of any misconduct by any
30 member of the Senate. Any committee member who is the subject of
31 such a complaint shall recuse himself or herself from any committee
32 action pertaining to such complaint. Such member shall be replaced,
33 for purposes of committee action on such complaint, in the same
34 manner in which such member was appointed.

35 (e) Any such preliminary investigation shall be confidential and not
36 subject to disclosure. Upon the conclusion of any preliminary
37 investigation, the committee shall vote to either (1) dismiss the
38 complaint, or (2) make a finding of probable cause that misconduct has
39 occurred. Upon a finding of probable cause by the committee, all
40 information relating to the preliminary investigation shall, to the
41 extent allowed by state and federal law, be made available to the
42 public.

43 (f) The committee shall undertake a full investigation only after a
44 finding of probable cause. All information relating to a full
45 investigation shall, to the extent allowed by state and federal law, be
46 made available to the public. All proceedings relating to a full

47 investigation shall be open to the public. Upon the completion of a full
48 investigation, the committee shall report its findings and
49 recommendation in the form of a resolution to be voted upon by the
50 Senate. Such recommendation shall include one of the following: (1)
51 Expulsion, (2) censure, (3) reprimand, or (4) no action. The full Senate
52 shall vote on any such resolution not later than ten days after the
53 committee reports out any such resolution.

54 (g) The subject of any such complaint or investigation may be
55 represented by counsel.

56 (h) Not later than ninety days after the effective date of this section,
57 the committee shall adopt rules and procedures to govern its
58 proceedings. Such proposed rules shall include, but not be limited to:
59 (1) Standards, rules and methodology for conducting preliminary and
60 full investigations, respectively, and (2) criteria for the making of a
61 recommendation of expulsion, censure, reprimand and no action,
62 respectively.

63 (i) Annually, the committee shall report to the joint standing
64 committee of the General Assembly having cognizance of matters
65 relating to ethics on the number of complaints received during such
66 year and the status of each complaint."